



Hon. Donald S. Clark
Federal Trade Commission
Office of the Secretary
Room 159-H (Annex H)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Request for Comment: Food Industry Marketing Practices to Children and Adolescents

Dear Mr. Clark:

The National Nutritional Foods Association (NNFA) is submitting the following comments in response to a request from FTC for input as to the food industry's marketing practices to children and adolescents.

NNFA would like to participate in any upcoming FTC workshops or meetings at which this subject would be discussed. NNFA was founded in 1936 to promote and protect the unique values and shared interests of retailers and suppliers of natural nutritional foods and natural products. NNFA is a non-profit 501 (c)(3) association whose mission is to unite a diverse membership, from the smallest health food store to the largest natural products supplier. We champion consumers' freedom of choice in our marketplace. We strengthen and safeguard retailers and suppliers. We build strong markets to fuel industry growth. We act together with uncompromising integrity, and we encourage all to reach ever higher standards of quality.

NNFA would like to comment on four fundamental issues affecting the health of our nation's children:

1. **Improve the nutritional quality of foods available at public schools.** NNFA supports efforts by United States Senator Tom Harkin (D-IA) and others to establish federal policies providing incentives to local public schools and universities to reduce the availability of so-called junk food from school cafeterias and vending machines in favor of healthy, natural products including fresh fruit and vegetables, nutritious fruit juice and pure natural bottled water.

2. **A multivitamin a day.** NNFA also supports Senator Harkin and others who call for allowing schools to offer students (with parents' permission) a multivitamin every school day. In fact, we stand ready to work with school administrators and parents' organizations to establish pilot programs in each of the fifty states, plus here in the District of Columbia.
3. **Reduce the sugar and fat.** NNFA supports efforts by the nation's food manufacturers to voluntarily reduce the level of sugar and saturated fats in their products being marketed to children and teens. Clearly the nutritional profile of many products available today to children and adolescents does not provide the minimal healthful nutrition that their growing bodies need.
4. **Self-regulation works best.** With respect to improving certain advertising practices, self-regulation has been the best regulatory mechanism. We are resistant to government-imposed restrictions on advertising content, owing to the Constitutional issues arising from First Amendment infringement. Before FTC or Congress restricting the advertising of foods marketed to children or adolescents, the government would need to show that there are no options to protect children's health that would not involve limiting speech. Because commercial speech, including advertising, is a valuable source of information to consumers, the Supreme Court has not upheld approaches that restrict speech. In addressing childhood obesity, the government would first have to consider whether other approaches, such as increasing nutrition, Self-regulation, of course, does not raise the same issues.

The FTC also might wish to learn more about our industry's commitment to truthful labeling. Supplier members who manufacture dietary supplements under their own label are required to be members of NNFA's TruLabel program. More than 22,000 product labels are currently registered as part of the TruLabel program, the industry's most expansive and successful self-regulatory program. Since 1990, NNFA's TruLabel program has garnered national and international respect among industry members by promoting quality assurance, safety and guideline compliance to dietary supplement suppliers. Member companies are required to pay for randomly monitored, independent laboratory tests of their products. Should a test reveal a product or ingredient deficiency, the member company is contacted and given a brief period to correct the product or label. A company that fails to comply is expelled from membership, and is thus unable to exhibit at NNFA's annual convention and trade show, MarketPlace. These are just two examples of creative, innovative and effective industry self-regulatory initiatives.

Going forward, NNFA reiterates its interest in partnering with FTC and the US government to improve the quality of the products and marketing practices impacting the health of our children and adolescents.

Sincerely,
David R. Seckman
CEO/Executive Director
National Nutritional Foods Association
1220 19th Street, NW
Suite 400
Washington, DC 20036
(202)-223-0101
dseckman@nnfa.org